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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,855	10/11/2001	Ren-Guey Hsieh	67,200-447	9473

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EXAMINER

MOHAMEDULLA, SALEHA R

ART UNIT	PAPER NUMBER
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1756

DATE MAILED: 04/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/975,855

Applicant(s)

HSIEH, REN-GUEY

Examiner

Saleha R. Mohamedulla

Art Unit

1756

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☒ Applicant's reply has overcome the following rejection(s): NONE.
4. ☒ Newly proposed or amended claim(s) 7, 8, 16 and 17 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 7, 8, 16 and 17.

Claim(s) objected to: NONE.


Claim(s) rejected: 1-6 and 9-15.

Claim(s) withdrawn from consideration: NONE.

8. ☒ The drawing correction filed on 29 December 2003 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: Applicant argues that applicant's fractured pattern elements are present within applicant's contiguous latent pattern in the blanket resist layer, as recited in claims 1 and 11. However, this is NOT claimed. The claims recite that the charged particle beam method employs a series of adjacent fractured pattern elements when forming the contiguous latent pattern. The claim does not recite that fractured pattern elements are formed or even present in the contiguous latent pattern. Hirayanagi teaches a mask having fractured pattern elements separated by a gap. Therefore, Hirayanagi teaches a method employing a series of adjacent fractured pattern elements, that is, a method employing a mask with the fractured pattern elements. The presence of these elements in the latent resist image is not a claimed feature of the invention:

Applicant argues that direct writing is required by Kanata and that because of Kanata's teaching, that there is no motivation to combine Kanata and Hirayanagi. However, simply because Hirayanagi discloses exposures in general does not mean that Hirayanagi teaches against direct writing. In addition, nowhere in Kanata is it disclosed that direct writing is required as the exposure method. Kanata teaches semiconductor wafer exposure using a mask, where the mask pattern is imprinted on the underlying wafer. Hirayanagi also teaches semiconductor wafer exposure using a mask, where the mask pattern is imprinted on the underlying wafer. Therefore, Applicant's arguments are not persuasive.


MOHAMEDULLA, SALEHAR
PATENT EXAMINER

April 22, 2004